

REMARKS

The above amendments and these remarks are responsive to the Office Action issued on March 22, 2006. By this Response, claims 1 and 13-15 are amended. No new matter is added. Claims 1 and 5-15 are now active for examination.

The Office Action

The Office Action dated August 10, 2005 rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 5-10 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gabr (U.S. Patent No. 3,995,124) in view of Olson (U.S. Publication No. 2003/0068060), Emborg et al. (U.S. Patent No. 6,845,162) and von Flotow et al. (U.S. Patent No. 6,078,673). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gabr, Olson, Emborg and von Flotow as applied to claims 1, 5-10 and 13-15, and further in view of DeLine et al. (U.S. Publication No. 2005/0156753). Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gabr, Olson, Emborg and von Flotow as applied to claims 1, 5-10 and 13-15, and further in view of Losey (U.S. Patent No. 6,748,308). The Office Action rejected claims 1, 5, 10 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Wenger et al. (U.S. Publication No. 2002/0031234). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wenger in view of DeLine. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wenger in view of Losey. Claims 1, 5, 10-11 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeLine in view of Olson. Claim 12 was rejected

under 35 U.S.C. §103(a) as being unpatentable over DeLine to Olson as applied to claims 1, 5, 10, 11 and 13-15, and further in view of Losey.

The Office Action

The Examiner is thanked for the courtesy for granting a telephone interview conducted on July 12, 2006, during which the Office Action and proposed claim amendment were discussed. An agreement was reached that the rejection of claim 1 would be overcome if claim 1 is amended as presented herein. It was further agreed that the rejections of other independent claims would be overcome if changes similar to those of amended claim 1 are presented.

By this Response, the independent claims are amended as agreed upon during the interview. It is submitted that the claims are now in condition for allowance. Favorable reconsideration of the claims is respectfully requested.

The Objections to the Drawings

The drawings have been objected to as allegedly not showing every feature of the invention specified in the claims. Specifically, the Office Action contended that the drawings failed to show “the microphone assembly further comprises a room mirror base having an attachment hole to which the engagement portion of the receiving microphone is engaged, and an opening fort on a portion of the room mirror base which faces toward the receiving microphone,” as described in claim 9; and “the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment and the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment, and the noise collecting microphone is disposed in the

space between the vehicle body outer plate and the wall of the vehicular passenger compartment," as described in claim 1.

It is respectfully submitted that the features identified by the Examiner are fully shown in the drawings. For instance, as described in paragraph [0028] of the specification and shown in Fig. 5, the room mirror base is disclosed as reference numeral of "215" in Fig. 5. Furthermore, the feature related to the sensitivity direction of the receiving microphone is denoted by N, and the sensitivity direction of the noise collecting microphone is denoted by S in, for example, Figs. 1 and 3-5. Moreover, the location of the noise collecting microphone is shown in Fig. 3.

The Claim Rejection Under 35 U.S.C. § 112

Claim 9 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action asserted that the specification fails to provide appropriate support for the feature related to the room mirror base, as described in claim 9. Applicants respectfully disagree.

As discussed earlier relative to the objections to the drawings, descriptions related to the room mirror base can be found in, for instance, paragraph [0028] of the specification. An exemplary base is also shown in Fig. 5, denoted by reference numeral of "215." It is submitted that the rejection of claim 12 is overcome.

The Obviousness Rejection Based on Gabr, Olson, Emborg and von Flotow Is Overcome

Claims 1, 5-10 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gabr in view of Olson, Emborg and von Flotow. The obviousness rejection is respectfully overcome because Gabr, Olson, Emborg and von Flotow cannot support a prima facie case of obviousness.

Per the agreement reached during the telephone interview, Gabr, Olson, Emborg and von Flotow, either combined or alone, fail to disclose "a receiving microphone; and a noise collecting microphone, both of the receiving microphone and the noise collecting microphone being integrally mounted within a microphone assembly..., wherein: the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment to collect vocal signals from the passenger compartment, the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment, the noise collecting microphone is disposed in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment, and configured to collect noise in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment, the noise collecting microphone is insulated to prevent the sound signals from the passenger compartment from entering the noise collecting microphone, and the sound signals collected by the receiving microphone and the noise collected by the noise collecting microphone are combined to generate an output signal, as described in claim 1.

Accordingly, claim 1 is patentable over the combination of over Gabr in view of Olson, Emborg and von Flotow. Favorable reconsideration of claim 1 is respectfully requested.

Claims 5-10, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Therefore, claims 5-10 also are patentable over Gabr, Olson, Emborg and von Flotow by virtue of their dependencies on claim 1. Favorable reconsideration of claims 5-7 and 10 is respectfully requested.

Claims 13-15 include features substantially parallel to those of claim 1. Therefore, the rejection of claims 13-15 is also overcome for at least the same reasons as for claim 1. Favorable reconsideration of claims 13-15 is respectfully requested.

The Obviousness Rejections of Claims 11 and 12 Based on Gabr, Olson, Emborg and von Flotow, and Further in View of DeLine or Losey Are Overcome

Claims 11 and 12, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Claim 11 was rejected as being unpatentable over the combination of Gabr, Olson, Emborg and von Flotow, and further in view of DeLine; and claim 12 was rejected as being unpatentable over Gabr, Olson, Emborg and von Flotow, and further in view of Losey. As discussed earlier, the combination of Gabr, Olson, Emborg and von Flotow fails to disclose every feature of claim 1. Neither DeLine nor Losey alleviates these deficiencies. Therefore, claims 11 and 12 are patentable by virtue of their dependencies from claim 1. Favorable reconsideration of claims 11 and 12 is respectfully requested.

The Obviousness Rejections Based on Wenger Is Overcome

Claims 1, 5, 10 and 13-15 were rejected as being unpatentable over Wenger. Per the agreement reached during the telephone interview, Wenger fails to disclose “a receiving microphone; and a noise collecting microphone, both of the receiving microphone and the noise collecting microphone being integrally mounted within a microphone assembly..., wherein: the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment to collect vocal signals from the passenger compartment, the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment, the noise collecting microphone is disposed in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment, and configured to collect noise in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment, the noise collecting microphone is insulated to prevent the sound signals from the passenger compartment from entering the noise

collecting microphone, and the sound signals collected by the receiving microphone and the noise collected by the noise collecting microphone are combined to generate an output signal, as described in claim 1. Accordingly, claim 1 is patentable over Wenger. Favorable reconsideration of claim 1 is respectfully requested.

Claims 5 and 10, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Therefore, claims 5 and 10 also are patentable over Wenger by virtue of their dependencies on claim 1. Favorable reconsideration of claims 5 and 10 is respectfully requested.

Claims 13-15 include features substantially parallel to those of claim 1. Therefore, the rejection of claims 13-15 is also overcome for at least the same reasons as for claim 1. Favorable reconsideration of claims 13-15 is respectfully requested.

The Obviousness Rejections of Claims 11 and 12 Based on Wenger in View of DeLine or Losey Are Overcome

Claims 11 and 12, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Claim 11 was rejected as being unpatentable over Wenger in view of DeLine; and claim 12 was rejected as being unpatentable over Wenger in view of Losey. As discussed earlier, Wenger fails to disclose every feature of claim 1. Neither DeLine nor Losey alleviates the deficiencies of Wenger. Therefore, claims 11 and 12 are patentable by virtue of their dependencies from claim 1. Favorable reconsideration of claims 11 and 12 is respectfully requested.

The Obviousness Rejection Based on DeLine and Olson Is Overcome

Claims 1, 5, 10, 11 and 13-15 were rejected as being unpatentable over DeLine in view of Olson. The obviousness rejection is respectfully overcome because DeLine and Olson cannot support a prima facie case of obviousness.

Per the agreement reached during the telephone interview, the combination of DeLine and Olson fail to disclose “a receiving microphone; and a noise collecting microphone, both of the receiving microphone and the noise collecting microphone being integrally mounted within a microphone assembly..., wherein: the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment to collect vocal signals from the passenger compartment, the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment, the noise collecting microphone is disposed in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment, and configured to collect noise in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment, the noise collecting microphone is insulated to prevent the sound signals from the passenger compartment from entering the noise collecting microphone, and the sound signals collected by the receiving microphone and the noise collected by the noise collecting microphone are combined to generate an output signal, as described in claim 1. Accordingly, claim 1 is patentable over the combination of over DeLine and Olson. Favorable reconsideration of claim 1 is respectfully requested.

Claims 5, 10 and 11 depend on claim 1 and incorporate every limitation thereof. Therefore, claims 5, 10 and 11 also are patentable over DeLine and Olson by virtue of their

dependencies on claim 1. Favorable reconsideration of claims 5, 10 and 11 is respectfully requested.

Claims 13-15 include features substantially parallel to those of claim 1. Therefore, the rejection of claims 13-15 is also overcome for at least the same reasons as for claim 1. Favorable reconsideration of claims 13-15 is respectfully requested.

The Obviousness Rejections Based on DeLine, Olson, Are Overcome

Claim 12 indirectly depends on claim 1, and was rejected as being unpatentable over DeLine and Olson, and further in view of Losey. As discussed earlier, the combination of DeLine and Olson fails to disclose every feature of claim 1. Losey does not alleviate the deficiencies of DeLine and Olson. Therefore, claim 12 is patentable by virtue of their dependencies from claim 1. Favorable reconsideration of claim 12 is respectfully requested.

Conclusion

For the reasons given above, Applicants believe that this application is conditioned for allowance and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representative listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, reading "Wei-Chen Chen". The signature is fluid and cursive, with the first name "Wei-Chen" and the last name "Chen" clearly distinguishable.

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